

the authority of the Chancery Court, adjudged, ordered and decreed that the defendant, Anna Maria Ogle, as executrix of Benjamin Ogle, account with the complainants for the proceeds of the real and personal estate of H. M. Ogle, both as to the trust, and executorship of said B. Ogle, and that the said John T. and Laura Bevans, account with them for the portions thereof improperly received by them. And that the Auditor, in stating the account, be governed by the principles herein decided; all questions which have arisen or may arise in the case, and not herein decided, are reserved until the final decree.

It is further adjudged, ordered and decreed, that the said Anna Maria Ogle, as executrix of Benjamin Ogle, account with the complainants for the personal estate of the said Benjamin Ogle, and any of the parties are hereby authorized to take testimony in relation to the said accounts and matters reserved before the Auditor, on the usual notice, or before any justice of the peace, on giving three days notice as usual. It is further adjudged, ordered and decreed, that the bill be, and the same is hereby dismissed as to the trustee, Doctor John Ridout, and the defendant, Wm. C. Ogle, with costs.

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[From this order the defendants, except Dr. Ridout and Wm. C. Ogle, appealed. The cause was argued in the Court of Appeals, at its December term, 1850, before *Spence, Martin and Frick*, Judges, by *Thos. S. Alexander* for Mrs. Ogle, *Davage and Semmes* for Laura Bevans, *Cornelius McLean* for Wm. C. Ogle, and by *Oliver Miller and Alexander Randall* for the appellees. The court affirmed the order "*for the reasons assigned by the court below.*" The following is the decree of the Court of Appeals in the case :

"This appeal having been argued by counsel for the parties, and fully considered by the court. It is, therefore, this twenty-sixth day of June, in the year eighteen hundred and fifty-one, by this court adjudged, ordered and decreed, that the decree of the 2d of March, in the year eighteen hundred and forty-nine, from which this appeal is taken, be, and the same is hereby affirmed, with costs of this appeal. In so doing, it is proper for